

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.114, and in light of the remarks which follow, are respectfully requested.

Claims 17, 37 and 38 have been amended in response to §112 issues raised in the Advisory Action. Claims 17-30 and 33-38 remain pending in this application.

The allowance of claim 35 is acknowledged with appreciation.

Claims 17-30, 33, 34 and 36-38 were finally rejected under 35 U.S.C. §112, second paragraph, as indefinite for the reasons given in paragraph (1) of the Office Action. In addition, claims 37 and 38 were rejected under 35 U.S.C. §112, first paragraph, for the reasons set forth in paragraph (3) on pages 2-3 of the Final Rejection. Reconsideration of these rejections are requested in view of the above amendments and for at least the following reasons.

Claims 37 and 38 have been amended to specify that one of the two blocking agents used is a substituted 5-membered nitrogenous heterocycle. As the Examiner correctly states, claim 17 specifies that one of the blocking agents must be hydroxyl-functional. Thus, only one of the two blocking agents specified in claims 37 and 38 can be a 5-membered nitrogenous heterocycle. Claims 37 and 38 were also amended in response to the comment in the Advisory Action regarding antecedent basis for "rings."

In view of the aforementioned amendments to claims 37 and 38, the §112, first paragraph and §112, second paragraph rejections of these claims have been obviated and should be withdrawn. Such action is earnestly requested.

Claim 17 has been amended in response to the Examiner's objection to the words "close to." The word "close" admittedly is a term of degree. When a term of degree is used, it is necessary to determine whether the specification provides some standard for measuring that degree, See Seattle Box Company, inc. v. Industrial Crating & Packing, Inc., 731 F.2d 818,826, 221 U.S.P.Q. 568, 673-74 (Fed. Cir. 1984). In the present case, Applicants' specification, while not literally defining the word "close," does indicate on page 5 that the overall release temperature is equal to or very close to that of the group which is released first, i.e. at the lowest temperature. Respectfully, Applicants submit that those of ordinary skill in this art would readily understand from this disclosure that the overall release temperature is the same as or approximates the lowest temperature, i.e. is "essentially that" of the group released first.

However, to expedite prosecution of this application, Applicants have amended claim 17 to delete the phrase which contains the objectionable terminology. As such, composition claim 17 is now comparable in scope and terminology to allowed process claim 35 and should be allowable for the same reasons that claim 35 is allowable.

For at least these reasons, it is requested that the §112, second paragraph rejection of claim 17 be reconsidered and withdrawn.

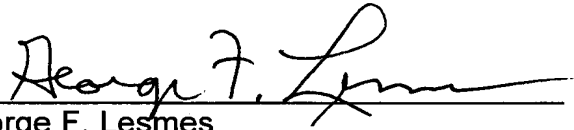
Entry of these amendments is earnestly requested since no new issues would be raised and entry thereof would place this application in allowable condition or in better condition for appeal.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: January 10, 2005

By: 
George F. Lesmes
Registration No. 19,995

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620